



**FORMAT – A
(Circular No.28/2021)**

Date:25/08/2023

To
MahaRERA
Housefin Bhavan,
Near Reserve Bank of India, "E" Block,
Bandra Kurla Complex, Bandra (East),
Mumbai - 400 051

LEGAL TITLE REPORT

Sub: Title Clearance Certificate with respect to all that piece or parcel of plot bearing Cluster Plot No.810, RSC-5, Survey No. 41, admeasuring about 2173.50 Sq.mtrs. of Village - Charkop, Taluka – Borivali, District - Mumbai Suburban situate at Sector -8, Kandivali (West), Mumbai – 400 067 (Hereinafter referred to as **"the said Property"**).

1. On request of M/S. BHAIRAV SMILE INFRAPROJECTS, a registered partnership Firm having its registered office address at D-11, Plot No.804, Charkop Sailochan Co-operative Housing Society Ltd., Sector -8, Charkop, Near Tarzan Point, Kandivali (West), Mumbai – 400 067 (Hereinafter referred to as **"the Developers"**), we have investigated their title to develop the said property.



- 1) **Description of the Property :** All that piece or parcel of plot bearing Cluster Plot No.810, RSC-5, Survey No. 41, admeasuring about 2173.50 Sq.mtrs. of Village - Charkop, Taluka - Borivali, District - Mumbai Suburban situate at Sector -8, Kandivali (West), Mumbai - 400 067.
 - 2) The documents of allotment of the property (As per **Annexure "A"** attached)
 - 3) Public notice in two newspapers namely Free Press Journal in English and Navshakti in Marathi on 21/07/2023.
 - 4) Search Report for 41 years carried out by search clerk S.D.Jadhav, as per his Search Report dated 22/07/2023.
2. On perusal of the above-mentioned documents relating to the said property we are of the opinion that the title of M/S. BHAIKAV SMILE INFRAPROJECTS to develop the said property is clear and marketable
- (1) **Lessees of the land :** Charkop Bhairav Co-operative Housing Society Ltd., a Co-operative Society duly registered under Maharashtra Co-operative Societies Act, 1960, bearing registration no. MUM/MHAD/HSG/(TC)/ 13489/ Year 2019-2020 Dt.13/12/2019 and having its registered office at Cluster Plot No.810, RSC-5, Survey No. 41, situate at Sector -8, Kandivali (West), Mumbai - 400 067



(Hereinafter referred to as "**the Society**") being Lessees of MHADA with respect to all that piece or parcel of plot bearing Cluster Plot No.810, RSC-5, Survey No. 41, admeasuring about 2173.50 Sq.mtrs. of Village - Charkop, Taluka - Borivali, District - Mumbai Suburban situate at Sector -8, Kandivali (West), Mumbai - 400 067.

- (2) Qualifying comments/remarks (As per **Annexure "B"** attached)
- (3) The report reflecting the flow of the title of M/S. BHAIKAV SMILE INFRAPROJECTS to develop the said property is enclosed herewith as **Annexure "C"**

Encl: Annexures A to C


Advocate
Date: 25/08/2023



Annexure A: Title Documents of the property

- i. Allotment Letter Dt.29/01/2020 bearing No. MB/Dy.C.O.(W)/89/2020 issued by Deputy Chief Officer (W) M.H. & A.D. Board, Mumbai
- ii. Indenture of Lease Dt.30/03/2022 duly registered with the Sub Registrar of Assurances at Borivali Taluka on 04/07/2022 under serial no. BRL-7-9438-2022.
- iii. Development Agreement Dt.11/08/2022 duly registered with the office of Sub-Registrar of Assurances at Borivali Taluka on 11/08/2022 under Serial No. BRL-7-11273-2022 on 11/08/2022.
- iv. Power of Attorney Dt.11/08/2022 duly registered with the office of Sub-Registrar of Assurances at Borivali Taluka on 11/08/2022 under Serial No. BRL-7-11274-2022 on 11/08/2022.
- v. Intimation of Approval (IOA) issued by MHADA bearing No. MH/EE/BP CELL/GM/MHADA-76/1287/2023 Dt.26/05/2023.
- vi. Commencement Certificate issued by MHADA bearing No. MH / EE / (BP) / GM / MHADA-76 / 1287 / 2023 /CC/1/NEW Dt.17/07/2023
- vii. Public notice in two newspapers namely Free Press Journal in English and Navshakti in Marathi on 21/07/2023.
- viii. Search Report for 41 years carried out by search clerk S.D.Jadhav, as per his Search Report dated 22/07/2023.


Advocate
(Stamp)
Date: 25/08/2023



Annexure B : Qualifying comments/remarks :

1. It appears that, the Maharashtra Housing and Area Development Authority (hereinafter referred to as "MHADA") being owner and seized and possessed of all that piece and parcel of developed land bearing Cluster Plot No.810, RSC-5, Survey No. 41, admeasuring about 2173.50 Sq.mtrs. of Village - Charkop, Taluka - Borivali, District - Mumbai Suburban situate at Sector -8, Kandivali (West), Mumbai - 400 067.
2. It appears that, the said property consisted 38 developed plot of "C" type admeasuring 30 sq.mtrs. each and 10 developed plots of "D" Type admeasuring 40 sq.mtrs. each which has been provided with necessary infrastructure common facilities and amenities etc.
3. It appears that, the said developed plots have been allotted by the MHADA under its sites and services scheme prepared under the Mumbai Urban Development Project which was aided by the World Bank to the specified persons.
4. It appears that, MHADA had by advertisement published in the news papers, had invited applications from the Allottees for allotment of the said developed plots in the Authority's land to the successful drawees in the drawal of plots for the purpose of constructing, maintaining and locating a building for bonafide residential use and occupation.
5. It appears that, the said Allottees had on allotment of the developed plots to them formed and registered themselves in to a co-operative housing society i.e. the Society herein.



6. It appears that, the Deputy Chief Officer (W) M.H. & A.D. Board, Mumbai issued Allotment Letter Dt.29/01/2020 bearing No. MB/Dy.C.O.(W)/89/2020 to the Society and also confirmed having received lease premium of Rs. 8,51,000/- (Rupees Eight Lakhs Fifty One Thousand only) for the period of 30 years.
7. It appears that, under Indenture of Lease Dt.30/03/2022 executed by and between Maharashtra Housing and Area Development Authority, therein referred to as "the Authority" and The Charkop Bhairav Co-operative Housing Society Ltd., therein referred to as "the Society" the Authority granted to the society lease in respect of the said property for 30 years. The said Indenture of Lease Dt.30/03/2022 is duly registered with the office of Sub-Registrar of Assurance at Borivali under reference no. BRL-7/9438/2022 Dt.04/07/2022.
8. It appears that, thereafter under Development Agreement Dt.11/08/2022, duly registered with Sub-Registrar of Assurance - Kurla Taluka on 11/08/2022 under Sr. No. KRL-7/11273/2022, the Society has granted development rights of the said property to the Developers for the consideration and on the terms and conditions mentioned therein.
9. It appears that, simultaneously with the said Development Agreement the Society also executed a Power of Attorney in favour of the Developers to carry on various acts of development as enumerated therein. The said Power of Attorney Dt.11/08/2022 is also duly registered with the office of Sub-Registrar of



Assurances at Borivali Taluka on 11/08/2022 under Serial No. BRL-7-11274-2022 on 11/08/2022.

10. It appears that, accordingly MHADA had approved plans for construction on the said property and had issued an Intimation of Approval (IOA) bearing No. MH/EE/BP CELL/GM/MHADA-76/1287/2023 Dt.26/05/2023.
11. It appears that, the MHADA has also issued a Commencement Certificate issued by MHADA bearing No. MH / EE / (BP) / GM / MHADA-76 / 1287 / 2023 /CC/1/NEW Dt.17/07/2023 and thereby has permitted the Developers to commence construction upto the top of Plinth level.
12. We had published Public Notice in two newspapers namely Free Press Journal in English and Nav Shakti in Marathi on 21/07/2023 inviting objection from any person having any share, right, title and interest in the said Property which affects the development rights acquired by the Developers and to be submitted to us within fourteen days from the date of publication of the said Public Notice. In response to the said Public Notice we have not received objection from any person.
13. We refer to and rely upon the search carried out by search clerk S.D.Jadhav and as per his search report Dt.22/07/2023 no charge or encumbrance is found on the said property which affects the development rights of the said Developers.
14. In the circumstances, we hereby certify that, in our opinion, subject to whatever stated above, the prima facie title of M/S.



BHAIRAV SMILE INFRAPROJECTS to develop the said Property, subject to the rights of the members of Society in respect of their existing and new flats, is marketable, free from all encumbrances and charges and that the said M/S. BHAIRAV SMILE INFRAPROJECTS is entitled to develop the said property. This Title Certificate has been issued on the strict understanding and agreement that the same is for the limited purpose of prima facie certification of title for the development of the said Property and for no other purpose, it being clearly agreed and understood that the certification for any other purpose shall be issued after due investigation of title, as such advocate may deem fit.

15. Further it being clearly agreed and understood that this Title Certificate is issued on perusal of the photocopies of documents and averments made in Agreements, Papers and Documents referred above and that no original documents are produced before us and we have relied upon the photocopies of documents produced before us.

IT MAY BE NOTED THAT:

- (a) We have not visited/inspected any part of the Demised property or any part thereof;
- (b) We have barely seen copies of documents furnished to us and referred herein.
- (c) The aspects of zoning, permitted use, reservation/set back (if any), development potential/Floor Space Index and developability



of the Demised Property fall within the scope of an architect review and we express no views about the same; and

(d) The following has been assumed by us:

- i.** Copies of documents/papers provided to us are precise and genuine copies of originals
- ii.** Each document/paper has been signed/executed by persons purporting to sign/execute the same and such person has full authority and power to do so; and
- iii.** Save and except the Documents referred to in Annexure "A" none of the other Documents referred in this Certificate has been submitted to us and the averments herein are made in respect of such documents from the above Documents received by us and that we have not seen or inspected either the originals or the photo copies of such Documents and this Certificate is based on presumption that such documents referred as precise and genuine.

(b) In no circumstances, shall the cumulative liability, if any, of our firm viz. Messrs. Kirti Nagda & Associates, Advocates & Notary, its Associates or employees, in connection with the preparation or issue of this Report on Title, exceed the professional fees paid by M/S. BHAIKAV SMILE INFRAPROJECTS to us in that behalf.

Date: 25/08/2023

Yours Truly,



(Advocate)



Annexure "C"

FLOW OF THE TITLE OF THE SAID LAND

Sr. No.	Particulars	Particulars
1	Search Report	Search Report for 41 years carried out by search clerk S.D.Jadhav, as per his Search Report dated 22/07/2023.
2	Any other relevant title	i. Allotment Letter Dt.29/01/2020 bearing No. MB/Dy.C.O.(W)/89/2020 issued by Deputy Chief Officer (W) M.H. & A.D. Board, Mumbai. ii. Indenture of Lease dated 30/03/2022 duly registered with the Sub Registrar of Assurances at Borivali Taluka on 04/07/2022 under serial no. BRL-7-9438-2022. iii. Development Agreement dated 11/08/2022 duly registered with the office of Sub-Registrar of Assurances at Borivali Taluka on 11/08/2022 under Serial No. BRL-7-11273-2022 on 11/08/2022. iv. Power of Attorney dated 11/08/2022 duly registered with the office of Sub-Registrar of Assurances at Borivali Taluka on 11/08/2022



		under Serial No. BRL-7-11274-2022 on 11/08/2022. v. Intimation of Approval (IOA) issued by MHADA bearing No. MH/EE/BP CELL/GM/MHADA-76/1287/2023 Dt.26/05/2023. . vi. Commencement Certificate issued by MHADA bearing No. MH / EE / (BP) / GM / MHADA-76 / 1287 / 2023 /CC/1/NEW Dt.17/07/2023. vii. Public Notice Dt.21/07/2023 issued in newspapers Free Press Journal (English) and Navshakti (Marathi)
5	Litigations if any:	N.A.

Date: 25/08/2023

Yours Truly,


(Advocate)

